

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GARY KOOPMANN, TIMOTHY KIDD and  
VICTOR PIRNIK, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,  
FCA US LLC, ROLAND ISELI AND  
ALESSANDRO BALDI, AS CO-EXECUTORS  
FOR THE ESTATE OF SERGIO  
MARCHIONNE, SCOTT KUNSELMAN,  
MICHAEL DAHL, STEVE MAZURE, and  
ROBERT E. LEE,

Defendants.

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No. 15 Civ. 7199 (JMF)

**ORAL ARGUMENT  
REQUESTED**

**DECLARATION OF SEAN P. FULTON  
IN SUPPORT OF DEFENDANTS' MOTION TO  
EXCLUDE THE TESTIMONY OF MR. ANTHONY ANDREONI**

I, Sean P. Fulton, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and am associated with the law firm of Sullivan & Cromwell LLP, counsel for Defendants in the above-captioned action.

2. I respectfully submit this Declaration to provide the Court with certain materials cited in Defendants' Memorandum in Support of their Motion to Exclude the Testimony of Anthony Andreoni.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Rebuttal Expert Report of Anthony Andreoni, dated October 26, 2018.

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Amended Expert Rebuttal Report of Daniel C. Esty, dated October 2, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the November 13, 2018 deposition of Anthony Andreoni.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the transcript of the October 17, 2018 deposition of Daniel C. Esty.

7. Attached hereto as Exhibit 5 is a true and correct copy of an Environmental Protection Agency publication, entitled *Advisory Circular No. 24-2: Prohibition of Emission Control Defeat Devices – Optional Objective Criteria*, dated December 6, 1978.

8. Attached hereto as Exhibit 6 is a true and correct copy of an e-mail, sent by Robert Shaw, with the subject line “RE: AECD Definition” (bearing production number FCA-PIRNIK-001252653), dated May 15, 2012.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of the July 10, 2018 deposition of Steven Mazure.

10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from a presentation, entitled “Grand Cherokee NAFTA Diesel” (bearing production number FCA-PIRNIK-001519264), dated June 6, 2011.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from a presentation, entitled “2014 MY DS Program Approval” (bearing production number FCA-PIRNIK-002544845), dated November 6, 2011.

12. Attached hereto as Exhibit 10 is a true and correct copy of an email, sent by Morrie Lee, with the subject line “FW: SCR Strategy Review: 14MY Light Duty” (bearing production number FCA-PIRNIK-001041564), dated May 14, 2012.

13. Attached hereto as Exhibit 11 is a true and correct copy of an email, sent by Robert Shaw, with the subject line “AECD definition for EPA meeting,” attaching a

PowerPoint slide entitled “AECD Definition.pptx” (bearing production number FCA-PIRNIK-001251617), dated May 14, 2012.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the transcript of the September 25, 2018 deposition of Christopher M. Atkinson, Sc.D.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the August 1, 2018 deposition of Donald Altermatt.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the Expert Report of Christopher M. Atkinson, Sc.D., dated August 15, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of December 2018 in New York, New York.

/s/ Sean P. Fulton  
Sean P. Fulton